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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,317	10/01/2003	Min Liu	MS1-1630US	6512

22801 7590 12/26/2006  
LEE & HAYES PLLC  
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SPOKANE, WA 99201

EXAMINER
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CASCHERA, ANTONIO A

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	12/26/2006	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/26/2006.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

**Office Action Summary**

Application No.

10/676,317

Applicant(s)

LIU ET AL.

Examiner

Antonio A. Caschera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-35, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-35, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 10/30/2006.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 30-35, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turpin et al. (U.S. Patent Publication Number: 2003/0174882), Beretta (U.S. Statutory Invention Registration Number: H1506) and further in view of "Easy RGB – The first RGB and COLOR search engine on the Web!" 11/09/2000. Logical S. r. l. (herein known as "EasyRGB").

In regards to claim 30, Turpin discloses a computer-accessible medium having one or more instructions that are executable by one or more processors (¶¶ 0073-0074; Figure 2), the one or more instructions causing the one or more processors to:

- detect a color selected from a graphic user interface (GUI) color palette associated with an authoring environment (Figure 13; ¶¶ 0117-0119 discloses a selectable color palette);
- convert the component values to corresponding component values in a standardized reference color coordinate system (¶¶ 0126-127; in addition, it is very common in the art

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to convert from one color space to a device independent color space before converting to a third color space); and

- convert the component values in the standardized reference color coordinate system to corresponding component values in a receiver color coordinate system (§ 0064).

While Turpin discloses the selection and conversion of the color space data, as well as one form of normalization of the color space data, Turpin does not specifically disclose wherein the instructions cause the processor to normalize component values of the selected color in accordance with a number of bits-per-channel-associated with the authoring environment.

Beretta discloses wherein the instructions cause the processor to normalize component values of the selected color in accordance with a number of bits-per-channel-associated with the authoring environment (col. 34, lines 38-59). Note, Berretta explicitly discloses dividing RGB values by 255 which the Office interprets functionally equivalent to the normalizing of Applicant's claim especially with regards to Applicant's reference to the specification in Applicant's Remarks (see pages 8-9, equations and arguments on bottom of page 8 of Applicant's Remarks). It would have been obvious to one skilled in the art at the time the invention was made to implement the color processing techniques of Turpin et al. with the GUI color palette techniques of Beretta in order to create a more effective color selection and editing user interface by creating uniformity between a user's interpretation of color and a color space (see column 1, lines 57-65 of Beretta). Neither Turpin nor Beretta explicitly disclose indicating whether the selected color is valid, and if it is not valid, requesting that another color be selected by the user from the GUI. EasyRGB discloses an online GUI for color matching computer generated RGB colors to color cards, paints and inks (see page 1, text under "Color Matching" heading). EasyRGB discloses allowing

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the user to select RGB color values and alerts the user if the values are valid and requests that a valid entry be inserted (see pages 3-5, messagebox alert of page 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the user notifications and color validating of EasyRGB with the color processing techniques of Turpin et al. and GUI color palette techniques of Beretta in order to restrict the user to input a certain range of colors of which the coloring system operates upon (see "RGB range" drop-down menu input of EasyRGB, pages 1 & 2) thereby making the system more intuitive in regards to errors and input validation.

In regards to claim 31, Turpin, Beretta and EasyRGB disclose all of the limitations as applied to claim 30 above. In addition, Turpin discloses wherein the GUI color palette depicts a plane of a multi-dimensional color space predicated upon a dominant color selection such that for each color depicted in the GUI color palette, a component value associated with the dominant color is static and each dimension represents an available range of another color component (§ 0105 where the color selected for processing is the dominant color).

In regards to claim 32, Turpin, Beretta and EasyRGB disclose all of the limitations as applied to claim 30 above. In addition, Turpin discloses wherein the GUI color palette depicts a rotatable 3-D rendering of 1an X-dimensional ( $X \geq 6$ ) color space predicated upon a dominant color selection such that for each color depicted in the GUI color palette, a component value associated with the dominant color is static and each dimension represents an available range of another color component (§§ 0103-0104 discloses rotation).

In regards to claim 33, Turpin, Beretta and EasyRGB disclose all of the limitations as applied to claim 30 above. In addition, the combination discloses wherein to normalize the

component values of the detected color is to gamma-correct the component values (Beretta: Figure 20, Item 218; col. 34:7-14).

In regards to claim 34, Turpin, Beretta and EasyRGB disclose all of the limitations as applied to claim 30 above. In addition, the combination discloses wherein to convert the component values in the standardized reference color coordinate system to corresponding component values in the receiver color coordinate system further is to gamma correct the converted component values in the standardized reference color coordinate system (Beretta: Figure 20, item 218; col. 34:7-14).

In regards to claim 35 Turpin, Beretta and EasyRGB disclose all of the limitations as applied to claim 30 above. In addition, the combination discloses wherein the one or more instructions using the one or more processors to convert the component values in the standardized reference color coordinate system further causes the one or more processors to calculate a minimum average component value if one of the converted component values exceed a range of [0,1] (Beretta: Figure 1, Item 22; col. 41:16-33).

In regards to claim 38 Turpin, Beretta and EasyRGB disclose all of the limitations as applied to claim 30 above. In addition, the combination discloses further comprising one or more instructions causing the one or more processors to select another color from the GUI color palette if one of the converted component values exceed a range of [0,1] (Beretta: col. 41:16-33). Also, EasyRGB discloses allowing the user to select RGB color values and alerts the user if the values are valid and requests that a valid entry be inserted (see pages 3-5, messagebox alert of page 5).

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In regards to claim 39, Turpin, Beretta and EasyRGB disclose all of the limitations as applied to claim 30 above. In addition, Turpin discloses wherein the standardized reference color coordinate system is a CIE XYZ system (§ 0233).

### *Response to Arguments*

3. Applicant's arguments, see page 6 of Applicant's Remarks, filed 10/30/06, with respect to the rejection(s) of claim(s) 30-35, 38 and 39 under 35 USC 112, 1<sup>st</sup> paragraph have been fully considered and are persuasive. The 35 USC 112 rejection of claims 30-35, 38 and 39 has been withdrawn. Further, amendments to these claims have also overcome the previous 35 USC 112, 1<sup>st</sup> paragraph rejection.

4. Applicant's arguments filed 10/30/06 have been fully considered but they are not persuasive.

In reference to claims 30-35, 38 and 39, Applicant argues that the EasyRGB reference cannot be applied as a reference since the only prior art date associated with the reference is the date of access (which was 08/21/2006) (see page 7 of Applicant's Remarks).

The Office has provided an archived version of the EasyRGB website with pages that were created on 11/09/2000. These pages are similar to the ones previously cited and are attached herein. Also attached is bibliographic information, accompanying the actual output of the "WayBackMachine" Internet Archive search performed on 12/14/06. The Office believes that it has now established a correct and valid date in order to properly apply the EasyRGB reference as seen in the prior art rejections above.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**


**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

aac

  
12/14/06

**Antonio Caschera**  
Patent Examiner

  
**KEE M. TUNG**  
SUPERVISORY PATENT EXAMINER